

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JACOB KAPLAN,

12 Civ. 7610 (RA)

Plaintiff,

-against-

UNITED HEALTHCARE INSURANCE COMPANY
OF NEW YORK and OPTUMHEALTH, INC.,

Defendants.
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**SUPPLEMENTAL DECLARATION IN SUPPORT OF MOTION
FOR DISMISSAL WITHOUT PREJUDICE**


ROBERT M. KAPLAN, under penalty of perjury, affirms as follows:

1. I am an attorney at law, admitted to practice before this Court and a member of Ferber Chan Essner & Coller, LLP, the attorneys of record for plaintiff in this action. I have personal knowledge of the facts set forth below.

2. I submit this supplemental declaration to set forth two exhibits which were referenced but not included when plaintiff filed, on June 26, 2013, his motion for an order pursuant to F.R.C.P. 41(a)(2), dismissing his third cause of action without prejudice; the exhibits were not filed then because technical issues, which have been resolved, prevented plaintiff from filing them at that time.

3. These exhibits are Exhibit D, the amended complaint in *New York State Psychiatric Association, Inc. v. United Health Group*, 13 Civ. 1599 (S.D.N.Y.) (the “Class Action”) and Exhibit F, the memorandum of law submitted by the plaintiffs in the Class Action in support of their pending motion to dismiss the amended complaint.

Dated: New York, New York
June 27, 2013



ROBERT M. KAPLAN